

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION

In the Matter of

SANDY FLETCHER MONTANO

Credential No. DENT.DE.60486669

Respondent

No. M2021-1016

Motion to Vacate Ex Parte Order, and for
Protective Order to prevent release of Dr.
Montano's sensitive files

Dr. Sandy Montano is completely innocent. The Dental Quality Assurance Commission ("the Commission") must correct the error it made in sanctioning Dr. Montano's dental license.

This Commission has the difficult job of determining the status of licensees whose credentials are called into question. The Commission's job is far more difficult when the Commission is unaware that the evidence upon which it relies is tainted, false, planted, retaliatory, and misrepresented by alleged conspiring criminals. That is the situation here. This motion for the requested relief is supported by the evidence included herein, showing that the people providing the evidence to the Commission had the motive to do so falsely and with intent to destroy Dr. Montano's practice and reputation. With the Commission's unwitting assistance, Palmer, Decker and Villegas have thus far succeeded in this destruction of Dr. Montano's reputation and career.

Due to the pandemic, Dr. Montano had difficulty hiring competent staff, and it was the staff members he hired which allegedly planted evidence, committed uncleanly acts, misappropriated funds and business records, all of which led to this inquiry. It may be true that Dr. Montano needs help in running the business aspect of the dental practice, but it is the farthest from the truth that his dentistry practices are unclean.

Requested Relief

Dr. Montano requests that the Commission fully exonerate his record, and reinstate his license to practice dentistry in the state of Washington.

Dr. Montano requests that the Commission direct KREM2 News to publish a retraction of the statement of charges in their prime-time television broadcast and on their website.

Dr. Montano requests that the investigative materials gathered by Investigator Wisswell be stricken and another investigator assigned, and the investigation re-done.

Dr. Montano requests that the Department of Health seal this entire response on the basis that the response has medical information, and private business information about Dr. Montano throughout. The response also has names of people who support Dr. Montano and it seems inappropriate to involve them in the publicly available documents. If the entire response cannot be sealed, Dr. Montano requests that the following exhibits be sealed:

Exhibit 02 Embezzlement.pdf: Contains private business information

Exhibit 05 Embezzlement Conspirator.pdf: Contains witness personal information

Exhibit 06 Villegas Criminal History.pdf, Exhibit 07 Malenna Palmer Criminal History.pdf: Contains personal information about a witness.

Exhibit 08 Dec 28 Follow Up.pdf, Exhibit 09 Emergency Room Record Dec 3.pdf, Exhibit 10 Head Injury Record.pdf, Exhibit 15 December 14 follow up.pdf: Contains medical information about Dr. Montano

Exhibit 21 Assault - SD 480p.mov: Shows the assault upon Dr. Montano by the Commission's witness.

Exhibit 27 Dr. Montano Response 1-50.pdf, Exhibit 27 Dr. Montano Response 51-100.pdf, Exhibit 27 Dr. Montano Response 100-150.pdf, Exhibit 27 Dr. Montano Response 151-196.pdf. Contains sensitive information throughout.

Is the evidence provided to the Commission against Dr. Montano completely false and tainted?

1. This document will prove that the answer is yes.
2. Once the commission is convinced that the evidence was provided by alleged criminals and liars, the Commission must vacate or otherwise stay its order which sanctioned Dr. Montano's license.
3. Charles Villegas and Jamie Decker allegedly lied to police about Villegas assault upon Dr. Montano. It was Villegas who allegedly assaulted Dr. Montano, not the other way around. Dr. Montano suffered a concussion which took months to recover from. The court attempted to contact Villegas and Decker after attorney Tim Note viewed the assault video and reviewed Dr. Montano's medical records. The prosecuting attorney attempted to contact the purported victim, Villegas, who would not respond, although, the Commission's investigator had no difficulty conversing with Villegas. Thus, Villegas is an alleged criminal (assault) and has been allegedly untruthful with the Commission's investigator, and Decker is allegedly untruthful as she spoke to police on behalf of Villegas' false account. (Please see *Exhibit 12 Assault Dismissal.pdf, Exhibit 21 Assault - SD 480p.mov, Exhibit 06 Villegas Criminal History.pdf*).
4. Villegas allegedly assaulted Dr. Montano right after speaking with the Commission's investigator and gave Dr. Montano a brain injury. Villegas allegedly felt within his rights to file a worker's compensation claim because he hurt his hand allegedly beating Dr. Montano. Villegas is 6-3, 200

pounds and 24 years old, and as seen in the video, allegedly snuck up on Dr. Montano in an alleged premeditated attack, who is 5-8 and is 43 years old. Washington is a two-party consent state, and this video should have never been taken as it is against Washington state law. (Please see *Exhibit 14 Villegas Workers Claim.pdf*, *Exhibit 15 December 14 follow up*, *Exhibit 21 Assault - SD 480p.mov*).

5. Therefore, Villegas and Decker's testimony must be disregarded by the commission because they were allegedly untruthful to police and committed a crime against Dr. Montano by allegedly assaulting him and reporting false information to the police about whom the aggressor was. Does the commission really want to base an investigation against Dr. Montano on the testimony of a person who gave Dr. Montano a concussion and hematoma? (Please see *Exhibit 15 December 14 follow up*, *Exhibit 21 Assault - SD 480p.mov*)

6. Malenna Palmer is an alleged criminal along with Heather Vincent because, together, they allegedly conspired to steal \$28,000 from Dr. Montano. When Dr. Montano confronted them, they quit the practice and allegedly set out to destroy Dr. Montano with great success, through the alleged submission of false evidence to the Commission. (Please see *Exhibit 02 Embezzlement.pdf*, *Exhibit 05 Embezzlement Conspirator.pdf*)

7. Therefore, Palmer's testimony must be disregarded because she is allegedly conspiring with Vincent in the embezzlement scheme.

8. Thus, since the principal providers of evidence to the commission are alleged liars and criminals, this Commission must vacate the order resulting in the action against Dr. Montano's license because the evidence is completely false and tainted.

Is the investigator for the Department of Health biased against Dr. Montano?

9. Furthermore, Investigator Wisswell seems biased against Dr. Montano. There is no good reason to write that a dentist licensed by the Commission is "rambling", which the investigator wrote on January 5, 2022. These are inappropriate words to use, and shows a bias against Dr. Montano. It would be more appropriate to say something like Dr. Montano was "speaking quickly and I did not understand all that he said". To say he is "rambling" shows bias and thus taints the investigator's findings. Further, Investigator Wisswell states that Dr. Montano was saying that the Investigator was working with criminals and insurrectionists, which is wholly accurate. The witnesses upon which Investigator Wisswell bases his findings against Dr. Montano, are allegedly guilty of battery and embezzlement. Insurrectionists, using popular definitions, enter buildings and create mayhem which is exactly what happened, as shown in the video. In addition, Dr. Montano was trying to explain the situation to Investigator Wisswell, and his memorandum makes it clear he did not wish to listen to Dr. Montano's story, but instead wanted to only talk to Dr. Montano's attorney. On December 28, a physician noted that Dr. Montano was still slurring his speech due to the assault-induced concussion. This helps to explain Dr. Montano's difficulty in communicating with Investigator Wisswell (Please see *Exhibit 06 Villegas Criminal History.pdf*, *Exhibit 07 Malenna Palmer Criminal History.pdf*, *Exhibit 08 Dec 28 Follow Up.pdf*, *Exhibit 13 Rambling.pdf*, *Exhibit 21 Assault - SD 480p.mov*).

10. The medical records show that Dr. Montano was adversely affected by the concussion he suffered by Villegas' alleged assault when Investigator Wisswell referred to Dr. Montano as "rambling". Concussions do cause problems with verbal communication. Investigator Wisswell interviewed Villegas, on Dec 2, 2022, and the next day, Villegas allegedly assaulted Dr. Montano. It can be said that the unwitting cause of the attack was the interview conducted by Investigator Wisswell. (*Exhibit 08 Assault.mp4, Exhibit 09 Emergency Room Record Dec 3.pdf, Exhibit 21 Assault - SD 480p*).

11. The cause of Dr. Montano's difficulty in communicating is that witness Villegas gave Dr. Montano a hematoma of the occipital region, which is essentially a cranial/brain bleed. According to Google, "*Occipital hematoma: A hematoma (collection of blood) in the occipital region (at the back of the head). An occipital hematoma may be either subdural or epidural. In an occipital epidural hematoma, the bleeding occurs between the skull and the dura (the brain cover)*".

12. According to Dr. Montano's physician on Dec 9, 2021, "*This is a healthy appearing 43-year-old male who came in the clinic as a walk-in, was evaluated at local emergency department. I was able to get into Epic system and retrieve the records for review, he was a victim of an assault that happened on Friday last week. He informs me that he ended up with device department and was told to follow-up with us. He was hit multiple times on the head and neck. He is having quite a bit of pain. Requesting pain medicine. Next Based on physical examination patient was found to have a small hematoma on the occipital region, he is unable to participate in the range of motion of the neck or upper extremities, based on the imaging that was done at Local hospital, the cervical processes is we doubt acute process.*" (Please see *Exhibit 10 Head Injury Record.pdf*)

13. Dr. Montano's physician continues with "*A letter was generated to excuse patient from going to work for the next weeks. He walks with patients and he informs me that he is having poor memory and is unable to attend in the patient's, at this time. Patient will need to be reevaluated within the next 2 weeks before he returns back to work. He works as a dentist. His work requires him to be involved and be able to have good range of motion of upper extremities and his neck. That's not the case at this time.*" (Please see *Exhibit 10 Head Injury Record.pdf*)

14. Thus, it appears that the Investigator may be biased against Dr. Montano, wouldn't listen to his story, and did an incomplete job in gathering all of the facts for the Commission to make a decision. Unwittingly, his interview with Villegas on December 2, 2022 resulted in Villegas feeling justified in assaulting Dr. Montano on December 3, 2022 (Please see *Exhibit 21 Assault - SD 480p.mov*)

15. Investigator Wisswell was on premises for 63 minutes on December 1, 2022, and he stated to Dr. Montano that he found no violations, because there were none. All the reports of violations are fake. However, investigator Wisswell does not state in his reports that he was onsite for 63 minutes. He states that he was looking at procedure documents. Not knowing Investigator Wisswell's business, it would seem reasonable to look for the kind of violations complained about verses reviewing procedures.

16. Dr. Montano was given terrible advice by his attorney, who should have told Dr. Montano to let the investigator take as much time as he wants. That's what this attorney would have told Dr. Montano. It is possible, and only rumor, that Investigator Wisswell allegedly knew this attorney prior to Dr. Montano's retaining the attorney, and somehow this prior relation affected the effectiveness of the attorney's representation of Dr. Montano.

17. Therefore, this analysis shows a complete bias against Dr. Montano, from alleged criminals who have completely defamed Dr. Montano. As a result, the Commission must vacate their order sanctioning Dr. Montano's record, and either start over, or drop it completely.

Argument

18. Dr. Montano is an expert at infection control and clean dental practices as evidenced by the Declaration by Dr. Mark Koday, dated July 9, 2022. Dr. Koday says *"Dr. Montano exhibited a desire to practice and maintain a high level of quality. I was disheartened by the accusations leveled at Dr. Montano. Sandy talked with me and informed me of the issues he had with certain staff who have tried to disparage his reputation. Judging from his past performance with our program, I would be very surprised if the accusations prove true."* (Please see *Exhibit 01 Mark Koday.pdf*).

19. Dr. Montano habitually used very clean processes and procedures. His sister, Sanny Clarise Montano DDS, says *"Dr Sandy is a highly knowledgeable dentist and knows sterilization and all HIPAA and OSHA WISHA compliance well. He was even talking about water testing in November for Washington State. Dr Sandy, my brother, would never have committed all the false allegations that has been published online."* (Please see *Exhibit 03 Sanny Clarise.pdf*).

20. Further evidence of his cleanliness in his trade is in testimony from his customers. Please consider the statements of Maria Isabel Varela Ramirez who says *"I trust in the justice of the State of Washington, and I know that justice will be done in the name of the Doctor, just as I have no doubt about the good conduct and professionalism of Doctor Sandy, I know that the authorities will have no doubt about it. Leaving aside the false accusations, because if Dr. Sandy's actions were not so kind, professional and clean, it would been impossible to have good care from him when I was pregnant. But it is not like that, quite the opposite, Doctor Sandy is the kindest and most professional person we can meet."* (Please see *Exhibit 04 Maria Isabel Varela Ramirez.pdf*).

21. Further evidence of cleanliness is evidenced by this statement by Pam Alverado, who says *"I would like to share that I am someone who met Ms. Alicia Melendez during her visit to Deer Park Dental on Saturday, December 4th. Ms. Melendez confirmed how the office was above compliance. It has been really disheartening to learn of the accusations when I know and have seen differently."* (Please see *Exhibit 22 Pam Alverado statement.pdf, Exhibit 26 LinkedIn Melendez.pdf*).

22. Throughout the second half of 2021, Dr. Montano's dental practice was the victim of criminal embezzlement. More than \$28,000 in cash payments from customers was allegedly stolen by Heather Dawn Vincent, who is a "friend" of one of the primary witnesses against Dr. Montano, Malenna Palmer. These people along with Brook Kennedy, allegedly stole \$28,000 from Dr. Montano according to

an investigation conducted by Hiltz & Associates Fraud Investigations. This entity states that *“My opinion, subject to the conditions noted herein is that as much as \$28,248 of cash receipts collected by the Practice during the period of May 2021 to Oct 2021 were not deposited to the Practice’s financial institution.”* The report also finds that *“According to Dr. Montano, VINCENT was responsible for day-to-day operation of the dental practice and made entries in the billing and payment software, collected and recorded payments, wrote off accounts uncollectable, and made credit adjustments. Dr. Montano reported that VINCENT was hired on September 1, 2021 and that her last day of employment was October 28, 2021.”* Furthermore, the report finds that *“According to Dr. Montano, VINCENT voluntarily quit her employment after Dr. Montano confronted her regarding questionable finances.”* (Please see *Exhibit 02 Embezzlement.pdf, Exhibit 05 Embezzlement Conspirator.pdf*).

23. When Dr. Montano fired or threatened to fire Heather Vincent and Melenna Palmer on or before November 16, 2021, Heather Vincent, Melenna Palmer, Jaime Decker, and Charles Villegas allegedly conspired to destroy Dr. Montano through false accusations directed at this Commission.

24. The commission rested a good portion of its decision on the supposed credibility of Charles Villegas and his assertion of lack of cleanliness of Dr. Montano’s practice. This is rich coming from a person who allegedly would not follow Covid 19 protocols required by the Department of Health and as required by Dr. Montano. Villegas allegedly sports an anti-vaccine tattoo. When the department’s investigator arrived on Dec 1, 2022, Dr. Montano realized he was being setup by his employee’s alleged lies. As the record shows, Villegas was interviewed by Investigator Wisswell on Dec 2. When Villegas’ lies were believed by the department’s investigator, Villegas allegedly followed through the next day by punching Dr. Montano in the face numerous times in a premeditated attack, and placing the Dr. Montano in the emergency room. Moments prior to the attack, Dr. Montano, knowing Villegas was allegedly part of a conspiracy, tried to expel Villegas as a trespasser. Villegas also allegedly pledged allegiance to a right-wing political group, the Proud Boys, the day before the assault. When police arrived due to Dr. Montano’s 911 call, Villegas, and another of the department’s witnesses, Jaime Decker, allegedly lied to the police about what happened. They claimed that Dr. Montano assaulted Villegas which was preposterous. Thus, Dr. Montano was cited for assault, a ridiculous outcome. When Tim Note, a well-respected attorney and a member of the Washington State Bar Association, investigated the allegations of assault against Dr. Montano, he also concluded that the alleged lies told by Decker and Villegas did not stack up. Tim Note informed the Spokane County’s prosecuting attorney that he demanded a trial to exonerate Dr. Montano. The prosecuting attorney conducted her own inquiry and thusly informed the judge that the prosecution was being dropped due to “substantial proof problems”. The only proof were the statements of Decker and Villegas. Further, “the witness and victim” are no longer able to be contacted. In other words, they are avoiding contacted with law enforcement. The “victim” is Villegas and the witness is “Decker”. (Please see *Exhibit 12 Assault Dismissal.pdf, Exhibit 21 Assault - SD 480p.mov*)

25. Villegas is also an alleged liar as shown by a letter written by private attorney Adam Williams accusing Villegas of defamation. Defamation is the making of false statements about a person which results in damage to Dr. Montano’s reputation. Adam Williams writes that *“This letter serves as a cease and desist from spreading false information about Dr. Montano. Dr. Montano attempted to provide you*

with an opportunity. In return, Dr. Montano says that you assaulted and battered him leaving him hospitalized, damaged dental equipment/company property, and spread false information to the Department of Health. These actions caused bodily injury and economic harm to the business. Dr. Montano believes you provided false information to the Department of Health on or about December 3, 2022, thereby defaming the business. Defamation requires that a plaintiff prove falsity, an unprivileged communication, fault, and damages.” This communication from attorney Adam Williams documents the alleged dishonest behavior by Villegas, and discredits any evidence he has supplied to this Commission. Thus, the Commission must not believe any evidence supplied by Villegas. (Please see *Exhibit 20 Charles Villegas Defamation Demand.pdf*)

26. This commission used evidence supplied by Malenna Palmer who allegedly committed several infection-control mistakes in her role as a dental assistant. Using her testimony to discredit Dr. Montano is inappropriate because she committed these mistakes herself. Attorney Adam Williams writes *“This letter serves as a demand for you cease and desist from any more actions against Dr Sandy Montano (personal or professional matter) and Deer Park Dental PLLC (employment matter). Dr. Montano demands that you avoid any contact and restrain from going to Dr Montano's business location or damaging any property such as damage to his vehicle or any business property thereof. Any further incursions onto his property results in him contacting the police as a trespass. He revokes any right for you to come onto the premises.”*

Attorney Adam Williams further writes *“Based upon information and belief, you filed a complaint against your former employer and Dr. Montano. He attests that you filed this complaint in bad faith with false information. These statements placed Deer Park Dental and Dr Montano in jeopardy with various entities including, but not limited to, the Department of Health, Dental Licensing Committee, Washington Care Authority and HIPAA Privacy Act Federal Officials. He believes you acted in concert with other individual and intends to hold you all liable.”*

Attorney Adam Williams further writes *“On September 29,2021, Dr. Montano brought to your attention your direct violation of infection control WAC 246-817-600 when you left bloody disposable suction on the dental unit. It appears it was intentionally placed on the sink with a photo taken by you. It appears you intended to use this to harm the company or simply to demonstrate your own negligence. Dr. Montano explained to you the proper procedures.”*

Attorney Adam Williams further writes *“On October 23,2021, Dr. Montano once again held a safety meeting concerning your insubordination in not following job position protocols, standard of care, and several instances infection control mistakes, which placed both the business and your employment in jeopardy. You also committed unprofessional conduct in front of patients and staff. He documented these instances in your monthly employee performance evaluation.”*

Attorney Adam Williams further writes *“On November 2, 2021 Dr Montano had food poisoning. Rather than reporting that he was ill, you decided without any basis to claim he had*

"Covid 19." You then decided to "cancel" patients without any basis and authority or permission without any consideration of Dr Montano's proof of response to your concern from his Negative for Covid-19."

Attorney Adam Williams further writes *"On November 13,2021, Dr. Montano again discussed your inability to properly dental assistant protocols and failure to meet job position requirements. He also explained your continued insubordination in front of staff members would terminate your employment. He attempted to debrief with you."*

Attorney Adam Williams further writes *"You subsequently quit on November 16, 2021. Based upon information and belief, you stole the key to the office with intent to harm the business. You filed a police report with the Spokane County Sheriff. This resulted in Officer issuing you a warning about trespassing on the premises further."*

It is clear from this documentation that the Commission should not place any weight on the testimony of Malenna Palmer. (Please see *Exhibit 23 Malenna Palmer Defamation.pdf*)

28. Malenna Palmer's alleged fraudulent use of his social media account, are dishonest actions and make her credibility non-existent. Therefore, any evidence against Dr. Montano provided by Malenna Palmer must be disregarded by the Commission. The day that Dr. Montano's licensure suspension was published by KREM2 News, Malenna Palmer celebrated on social media. This is not the behavior of a credible witness. (Please see *Exhibit 24 Malenna Palmer Social Media.pdf*)

29. Investigator Wisswell arrived to inspect Dr. Montano's premises presumably looking for dirty items where only clean items should be. However, the inspector's report claims he was reviewing policies and procedures. I am sure there is a good reason for that. Dr. Montano states that he spoke with Investigator Wisswell who stated to Dr. Montano that Investigator Wisswell had performed 45 minutes of inspections and found nothing, yet in his report he states that he was reviewing procedures when Dr. Montano's attorney stated he should leave. If you are there for 45 minutes and you are looking for a dirty devices where clean devices are kept, I presume that inspection was done, and nothing found. This should exonerate Dr. Montano.

30. My concern is that Dr. Montano's attorney told the investigator to leave because the attorney apparently did not believe that the investigator had the authority to do the inspection. As Dr. Montano's present attorney, I would not have given that advice. The attorney and Dr. Montano were aware of the alleged embezzlement and were justifiably concerned that there was something nefarious afoot, but did not know what. Here, we are, 8 months later, and how all the dominoes fell, is now clearer. It is also clear that in the 45 minutes that the investigator was there, nothing was found to corroborate the false and ridiculous claims made against Dr. Montano. That's because there was nothing to find, and that all of the evidence, are all staged photos and alleged false statements,

31. Two complaints were received by the Commission's investigator were by Elsa Castillo and Hilda Gonzalez. These folks are related, one is the grandparent of the other (I believe). When Malenna Palmer allegedly hacked Dr. Montano's business Facebook page, disparaging information was posted,

and these clients read this information. These clients were also not getting any response from Dr. Montano because he was suffering from a concussion from the alleged assault by Villegas. Once the news about Dr. Montano's false allegations were discovered by these patients, they have changed their story and wish to retract their complaints against Dr. Montano. Elsa Castillo writes *"We read on Facebook and we naively believed that its was true on Dec 4,2021 yet after speaking to Dr Sandy and getting my teeth and partials showed that the stuff posted on Facebook on June 22,2022 from the same lady that wrote on Facebook commenting on Dr Sandy and sharing."*

Elsa Castillo continues to write *"I am a witness to the treatment that Miss Malenna Palmer had, who used to work with Doctor Sandy in Deer Park, who seemed to be a dirty person, since I was able to witness how she touched her nose with the gloves on, with which she touched all the instruments during work."*

Elsa Castillo continues to write *"I am a witness to said actions of Miss Malenna Palmer, and they are fully aware that it is not Dr. Sandy's fault for the actions of his employees."*

Elsa Castillo continues to write *"I am aware that Dr. Sandy fired said employee, in addition to the fact that she no longer works in Deer Park anymore, and I am happy for them that he is no longer safe there."*

Elsa Castillo continues to write *"In addition, I am a witness to the professionalism of Doctor Sandy. The doctor is a highly qualified person, clean, responsible and has always had the best treatment for his patients."*

Elsa Castillo continues to write *"He promptly, calmly and perfectly attends to any doubt or dental requirement."*

It is clear from this exchange that Malenna Palmers testimony has been effectively impeached and should not be believed. (Please see *Exhibit 16 Customer Complaints.pdf*, *Exhibit 25 Elsa Castillo_Hilda Gonzalez statement.pdf*)

32. Dr. Montano specifically and categorically denies all of the charges contained within the charging document. Please see his denials and explanations in the listed exhibits. Some of what is listed within these exhibits is duplicative of what is listed above. I apologize for any duplication. (Please see *Exhibit 17 Denials.pdf*, *Exhibit 18 All Denials.pdf*, *Exhibit 27 Dr. Montano Response 1-50.pdf*, *Exhibit 27 Dr. Montano Response 1-50.pdf*, *Exhibit 27 Dr. Montano Response 1-50.pdf*, *Exhibit 27 Dr. Montano Response 1-50.pdf*)

33. Dr. Montano believes that the employees involved with allegedly providing false information to the Commission also allegedly stole business records from his business and went to another dental business to siphon his business away. Attorney Adam Williams writes *"This letter serves as notice that Ms. Heather Dawn Vincent is subject to a confidentiality agreement (PLEASE PROVIDE) and may be violating terms therein. Dr. Montano believes she contacted customers from his database and solicited*

them for your practice. Dr. Montano intends to continue investigating this matter.” (Please see Exhibit 11 Confidentiality Agreement Breach.pdf)

34. In addition to allegedly embezzling \$28,000 from Dr. Montano, Heather Vincent, an alleged close confidant of the witnesses against Dr. Montano, is warned by attorney Adam Williams to cease taking control over Dr. Montano’s business passwords, among other things. Adam Williams writes *“This letter serves as a demand for you to restore all passwords and return all company information to Deer Park Dental and cease all defamatory remarks regarding Dr. Montano. It also operates as a demand that you stay away from Dr. Montano, or he intends to seek an Anti-Harassment protection order. This requires you to cease all contact with Dr. Montano, stay off his business premises, not visit his personal residence, and return all company property.”* (Please see Exhibit 02 Embezzlement.pdf, Exhibit 05 Embezzlement Conspirator.pdf, Exhibit 19 Heather Vincent Demand Letter.pdf)

34. Here is a brief timeline of events, to the best of this attorney’s knowledge.

October 2021: Dr. Montano discovers \$28,000.00 is missing from his business accounts.

November 16, 2021: Dr. Montano confronts his employees about the alleged embezzlement.

November 16, 2021 Malenna Palmer and Heather Vincent quit the business.

November 17, 2021: Smear campaign against Dr. Montano commences with alleged false complaints lodged with the Commission.

December 1, 2021: Commission’s investigator performs no-notice inspection of Dr. Montano’s premises. However, Dr. Montano’s attorney allegedly erroneously states that the Investigator should leave.

December 2, 2021: Commission’s investigator interviews witness Villegas.

December 3 2021: Witness Villegas allegedly assaults Dr. Montano, who is hospitalized.

December 3, 2021: Police arrest / cite Dr. Montano for assault based on alleged false statements.

December 4, 2021: Dr. Montano’s Facebook page is hacked and disparaging information posted.

March 9 2022: Charges against Dr. Montano dropped when both Decker and Villegas are unavailable to the prosecuting attorney, however, both are apparently readily available to Commission’s investigator.

June 14, 2022: Hiltz and Associations Fraud investigators confirm that between May and October of 2021, only \$10,000 of \$38,000 in cash receipts deposited in business account.

June 22, 2022: The Commission’s findings are aired on KREM2 news. Malenna Palmer celebrates her alleged victory in destroying Dr. Montano’s business with social media posts.































CONCLUSION:

The commission must vacate its order sanctioning Dr. Montano’s license because the witnesses allegedly provided false information to the Commission’s investigator, and Dr. Montano is guilty of no health violations.

While the Investigator is very competent, the level of falsity of the accusations combined with Dr. Montano’s difficulty in communicating due to the concussion he allegedly suffered at the hands of Villegas, created bias on the part of the Investigator which this attorney believes tainted the investigation.

Thank you to the Commission, and Commission’s counsel, for considering these arguments.

35. The following Exhibits are being supplied.

Name	Date modified	Type	Size
 Exhibit 01 Mark Koday.pdf	7/9/2022 10:50 AM	Microsoft Edge P...	390 KB
 Exhibit 02 Embezzlement.pdf	6/24/2022 4:12 AM	Microsoft Edge P...	644 KB
 Exhibit 03 Sanny Clarise.pdf	7/23/2022 9:33 PM	Microsoft Edge P...	353 KB
 Exhibit 04 Maria Isabel Varela Ramirez.pdf	7/24/2022 5:58 PM	Microsoft Edge P...	59 KB
 Exhibit 05 Embezzlement Conspirator.pdf	7/23/2022 8:27 PM	Microsoft Edge P...	592 KB
 Exhibit 06 Villegas Criminal History.pdf	7/22/2022 9:52 AM	Microsoft Edge P...	1,766 KB
 Exhibit 07 Malenna Palmer Criminal History.pdf	7/22/2022 9:52 AM	Microsoft Edge P...	1,681 KB
 Exhibit 08 Dec 28 Follow Up.pdf	7/25/2022 12:08 AM	Microsoft Edge P...	2,105 KB
 Exhibit 09 Emergency Room Record Dec 3.pdf	7/24/2022 10:03 PM	Microsoft Edge P...	5,746 KB
 Exhibit 10 Head Injury Record.pdf	7/24/2022 10:13 PM	Microsoft Edge P...	2,214 KB
 Exhibit 11 Confidentiality Agreement Breach.pdf	5/16/2022 3:42 PM	Microsoft Edge P...	179 KB
 Exhibit 12 Assault Dismissal.pdf	5/16/2022 3:43 PM	Microsoft Edge P...	31 KB
 Exhibit 13 Rambling.pdf	7/24/2022 9:16 PM	Microsoft Edge P...	581 KB
 Exhibit 14 Villegas Workers Claim.pdf	7/22/2022 4:36 PM	Microsoft Edge P...	1,276 KB
 Exhibit 15 December 14 follow up.pdf	7/24/2022 11:33 PM	Microsoft Edge P...	1,336 KB
 Exhibit 16 Customer Complaints.pdf	7/24/2022 6:45 PM	Microsoft Edge P...	292 KB
 Exhibit 17 Denials.pdf	7/24/2022 11:56 PM	Microsoft Edge P...	73 KB
 Exhibit 18 All Denials.pdf	7/24/2022 6:26 PM	Microsoft Edge P...	715 KB
 Exhibit 19 Heather Vincent Demand Letter.pdf	5/16/2022 3:42 PM	Microsoft Edge P...	1,125 KB
 Exhibit 20 Charles Villegas Defamation Demand.pdf	7/22/2022 4:36 PM	Microsoft Edge P...	687 KB
 Exhibit 21 Assault - SD 480p.mov	7/25/2022 12:30 AM	MOV File	15,831 KB
 Exhibit 22 Pam Alverado statement.pdf	7/22/2022 4:36 PM	Microsoft Edge P...	36 KB
 Exhibit 23 Malenna Palmer Defamation.pdf	7/20/2022 7:41 PM	Microsoft Edge P...	1,048 KB
 Exhibit 24 Malenna Palmer Social Media.pdf	7/25/2022 1:47 AM	Microsoft Edge P...	311 KB
 Exhibit 25 Elsa Castillo_Hilda Gonzalez statement.pdf	7/24/2022 8:14 PM	Microsoft Edge P...	35 KB
 Exhibit 26 LinkedIn Melendez.pdf	7/25/2022 10:57 AM	Microsoft Edge P...	1,134 KB
 Exhibit 27 Dr. Montano Response 1-50.pdf	7/25/2022 11:54 AM	Microsoft Edge P...	3,460 KB
 Exhibit 27 Dr. Montano Response 51-100.pdf	7/25/2022 11:54 AM	Microsoft Edge P...	8,407 KB
 Exhibit 27 Dr. Montano Response 101-150.pdf	7/25/2022 11:55 AM	Microsoft Edge P...	10,304 KB
 Exhibit 27 Dr. Montano Response 151-200.pdf	7/25/2022 11:56 AM	Microsoft Edge P...	15,154 KB